WP(C) 3809/2007
BEFORE
HON'BLE JUSTICE MR RANJAN GOGOI

Heard Sri AM Mazumdar, learned Senior Counsel for the petitioners.

The two petitioners claim to be working in the establishment of the Deputy Commissioner, Hailakandi since the year 1989. According to the petitioners, no advertisement was issued to fill up the vacant posts in the said establishment except in the years 1991 and 1993, which advertisements, however, were not logically followed by holding the requisite selections. The petitioners, therefore, continue to render service till date. The petitioners further state that on 11.7.2007 an advertisement has been issued in the newspapers inviting applications for filling up certain vacant posts in the establishment of the Deputy Commissioner, Hailakandi. However, in the meantime, the petitioners have crossed the maximum age limit stipulated in the advertisement. They, therefore, filed representations before the Deputy Commissioner, Hailakandi for suitable condonation/relaxation of their ages so as to enable them to take part in the impending selection process. As the said representations have not been disposed of, on an apprehension that the petitioners may be left out of consideration, this writ petition has been filed.

If the petitioners have filed representations seeking certain relief, it is the bounden duty of the authority to consider the same in a fair manner and to pass necessary orders thereon. In view of the above, the Court is the opinion that instead of admitting the writ petition to regular hearing, it will be just and appropriate to dispose of the writ petition at the motion stage by directing the Deputy Commissioner, Hailakandi to fairly consider the representations filed by the petitioners for relaxation of their ages. The Deputy Commissioner, Hailakandi will act accordingly and will decide on the entitlement of the petitioners before the selections to the post advertised are held.

This will dispose of the writ petition.